

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

|  |   |                           |
|--|---|---------------------------|
| Gladney Construction, Inc.,              | ) |                           |
|  | ) | C/A No.: 3:05-1746-MBS-BM |
| Plaintiff,                               | ) |                           |
|  | ) |                           |
| v.                                       | ) |                           |
|  | ) |                           |
| William H. Edwards, Gail Edwards, and    | ) |                           |
| International Family Church,             | ) |                           |
|  | ) |                           |
| Defendants,                              | ) |                           |
|  | ) |                           |
| William H. Edwards,                      | ) |                           |
|  | ) |                           |
| Third Party Plaintiff,                   | ) |                           |
|  | ) |                           |
| v.                                       | ) | <b>ORDER</b>              |
|  | ) |                           |
| Joe Louis Gladney,                       | ) |                           |
|  | ) |                           |
| Third Party Defendant,                   | ) |                           |
|  | ) |                           |
| William H. Edwards, Gail Edwards,        | ) |                           |
|  | ) |                           |
| Counter Claimants,                       | ) |                           |
|  | ) |                           |
| v.                                       | ) |                           |
|  | ) |                           |
| Gladney Construction, Inc. and Joe Louis | ) |                           |
| Gladney,                                 | ) |                           |
|  | ) |                           |
| Counter Defendants.                      | ) |                           |
|  | ) |                           |

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Plaintiff Gladney Construction, Inc. brings this action asserting several state law causes of action against Defendants William H. Edwards, Gail Edwards, and International Family Church. On August 2, 2005, Defendant International Family Church filed an answer. Defendants William H. Edwards and Gail Edwards, appearing *pro se*, filed answers on June 7, 2006 and June 19, 2006,

respectively. Both *pro se* Defendants asserted a counterclaim against Plaintiff Gladney Construction, Inc. and asserted a third party claim against Third Party Defendant Joe Louis Gladney.

This matter is before the court on Plaintiff Gladney Construction, Inc. and Third Party Defendant Joe Louis Gladney's motion for partial summary judgment, filed on December 7, 2007. Plaintiff Gladney Construction, Inc. and Third Party Defendant Joe Louis Gladney seek summary judgment on Defendants William H. Edwards and Gail Edwards' counterclaim and third party claim. On December 10, 2007, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising the Defendants of the dismissal procedures and the possible consequences if they failed to respond adequately. Defendants served their response in opposition on the Plaintiff and Third Party Defendant's counsel without filing it with the court. On January 16, 2008, Plaintiff and Third Party Defendant filed a reply. Subsequently, Plaintiff's counsel forwarded a copy of Defendants' response to the court and Defendants' response was filed on February 15, 2008.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. On February 27, 2008, the Magistrate Judge filed a Report and Recommendation in which he recommended that Plaintiff Gladney Construction, Inc. and Third Party Defendant Joe Louis Gladney's motion for partial summary judgment be granted. Defendants have filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is

made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs with the Magistrate Judge's findings. The court adopts the Report and Recommendation and incorporates it by reference. Accordingly, Plaintiff Gladney Construction, Inc. and Third Party Defendant Joe Louis Gladney's motion for partial summary judgment (Entry 104) is **granted**. Defendants William H. Edwards and Gail Edwards' counterclaim and Third Party complaint is dismissed with prejudice. This matter is recommitted to the Magistrate Judge for further pretrial handling.

**IT IS SO ORDERED.**

s/ Margaret B. Seymour  
Margaret B. Seymour  
United States District Judge

Columbia, South Carolina  
April 2, 2008